

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,

10 Plaintiff,

11 v.

12 Jose Luis Ayala-Tejeda,

13 Defendant.
14

No. CR-20-00092-001-PHX-SMB

**ORDER OF DETENTION PENDING
DISPOSITION (PURSUANT TO
18 U.S.C. § 3143)**

15 In accordance with the Bail Reform Act, 18 U.S.C. § 3143, a detention hearing was
16 submitted on 11/23/2020. Defendant was present and was represented by counsel. The
17 defendant has not rebutted by clear and convincing evidence that he is not likely to flee if
18 released.

19 **FINDINGS OF FACT**

I find by a preponderance of the evidence that:

20 ☒ The defendant is not a citizen of the United States or lawfully admitted for
21 permanent residence.

22 ☒ The defendant, at the time of the charged offense, was in the United States
23 illegally.

24 ☐ If released herein, the defendant faces removal proceedings by the Bureau of
25 Immigration and Customs Enforcement, placing him/her beyond the jurisdiction of this
26 Court and the defendant has previously been deported or otherwise removed.

27 ☐ The defendant has no significant contacts in the United States or in the District of
28 Arizona.

☐ The defendant has no resources in the United States from which he/she might
make a bond reasonably calculated to assure his/her future appearance.

☒ The defendant has a prior criminal history.

- 1 ☐ The defendant lives/works in Mexico.
- 2 ☐ The defendant is an amnesty applicant but has no substantial ties in Arizona or in
- 3 the United States and has substantial family ties to Mexico.
- 4 ☐ There is a record of prior failure to appear in court as ordered.
- 5 ☐ The defendant attempted to evade law enforcement contact by fleeing from law
- 6 enforcement.
- 7 ☐ The defendant is facing a maximum of years imprisonment.
- 8 ☒ The defendant has been ordered detained on the underlying 8 USC 1326(a)&(b)(1)
- 9 charged in Case No: 20-01460MJ.

10 The Court incorporates by reference the material findings of the Pretrial Services Agency

11 which were reviewed by the Court at the time of the hearing in this matter, except as

12 noted in the record.

13 CONCLUSIONS OF LAW

- 14 1. There is a serious risk that the defendant will flee.
- 15 2. No condition or combination of conditions will reasonably assure the appearance
- 16 of the defendant as required.

17 DIRECTIONS REGARDING DETENTION

18 The defendant is committed to the custody of the Attorney General or his/her designated

19 representative for confinement in a corrections facility separate, to the extent practicable,

20 from persons awaiting or serving sentences or being held in custody pending appeal. The

21 defendant shall be afforded a reasonable opportunity for private consultation with defense

22 counsel. On order of a court of the United States or on request of an attorney for the

23 Government, the person in charge of the corrections facility shall deliver the defendant to

24 the United States Marshal for the purpose of an appearance in connection with a court

25 proceeding.

26 APPEALS AND THIRD PARTY RELEASE

27 IT IS ORDERED that should an appeal of this detention order be filed with the

28 District Court, it is counsel's responsibility to deliver a copy of the motion for

review/reconsideration to Pretrial Services at least one day prior to the hearing set before

the District Court.

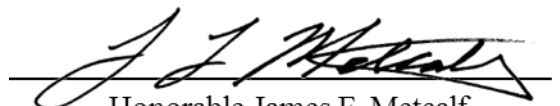
IT IS FURTHER ORDERED that if a release to a third party is to be considered, it

is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing

before the District Court to allow Pretrial Services an opportunity to interview and

investigate the potential third party custodian.

Dated this 23rd day of November, 2020.


Honorable James F. Metcalf
United States Magistrate Judge